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March 18, 2011

Via Electronic Mail and Mail

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, S.W.
Washington, DC 20554

Re: Notice of Ex Parte Communication
WC Docket No. 07-245 ("Pole Attachment Proceeding")

Dear Ms. Dortch:

Please accept this letter, filed pursuant to Section 1.1206 of the Commission's Rules, as notice that on March 17, 2011, the undersigned met on behalf of the *Coalition of Concerned Utilities* (Allegheny Power, Baltimore Gas and Electric Co., Dayton Power and Light Co., FirstEnergy Corp., National Grid, NSTAR, PPL Electric Utilities, South Dakota Electric Utilities, and Wisconsin Public Service Co.) with Edward Lazarus, Chief of Staff, and Zac Katz, Legal Advisor to the Chairman for Wireline Communications, International and Internet Issues, to discuss issues of concern to electric utility pole owners in regard to the above-captioned Pole Attachment proceeding.

Consistent with the views expressed by the *Coalition of Concerned Utilities* in its filings in this proceeding, we stressed first and foremost the need to safeguard the safety and reliability of electric pole distribution systems notwithstanding the Commission's legitimate interest in promoting broadband deployment throughout the country. We explained that electric utilities are concerned that many of the Commission's proposals in this proceeding would affect adversely the utilities' ability to operate their electric distribution systems safely and reliably.

We explained that the pole attachment process is complex and dangerous and cannot simply follow a cookie-cutter approach. Because the process is so complicated, it does not lend itself to narrow, strict government mandates and cannot safely be handed off to contractors under the control of communications companies.

We explained that each make-ready job is different, as is each utility performing the make-ready. We also described some of the numerous factors that are entirely outside of utility control that can delay an attachment project.

KELLER AND HECKMAN LLP

Ms. Marlene H. Dortch, Secretary
March 18, 2011
Page 2

We noted that wireless attachments raise even more complex issues for utilities, and that each utility must be permitted to decide for itself how to handle them. We emphasized that wireless pole top attachments in the electric utility space should not be mandated by the FCC.

We noted that the current system has worked well for many decades without extensive government oversight. We described the cooperative relationship that currently exists among the vast majority of pole owners and attaching entities and explained that moving this activity from qualified field work to an FCC regulatory environment would make the process more burdensome for everyone – pole owners, communications attachers and the Commission, while doing very little to promote broadband deployment.

We discussed the *Coalition's* proposal to treat all attachers as favorably as the utility treats itself, which would allow for timely attachments while dispensing with unworkable government-mandated deadlines.

We questioned whether the Commission's proposals for a "unified attachment rate" were consistent with legal requirements or would promote broadband deployment in unserved areas.

Finally, we discussed the significant differences between joint use agreements and third party pole attachment agreements, and why lowering the rate charged for attachments by ILEC pole owners would not only be unlawful but would give ILECs an unfair competitive advantage over the third party cable and CLEC attachers.

Please feel free to contact the undersigned if you have any questions or require any additional information.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jack Richards".

Jack Richards
Thomas B. Magee
Attorneys for the
Coalition of Concerned Utilities

cc: Edward Lazarus
Zac Katz